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9-20 July 2001

Letter dated 16 July 2001 from the Permanent Representative of Mali to the United Nations addressed to the President of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

I have the honour to transmit herewith the text of a letter from Mr. Michel Rocard, Co-Chairman of the Eminent Persons Group addressed to the Secretary-General (see annex I), and the Chairmen's report on a meeting between the Group and arms manufacturers, held in Paris on 26 June 2001 (see annex II).

I should be grateful if you would have the text of this letter and its annexes circulated as documents of the Conference.

(*Signed*) Moctar **Ouane**
Ambassador
Permanent Representative

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Annex I to the letter dated 16 July 2001 from the Permanent Representative of Mali to the United Nations addressed to the President of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

[Original: English]

With reference to my letters of 7 and 22 May 2001, I have the high honour and distinct privilege to transmit for your benevolent perusal the Chairmen's report from "A Luncheon With Industry," held in Paris on 26 June. May I respectfully request that you forward the Chairmen's report to the President of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, to be held at United Nations Headquarters, New York, from 9 to 20 July 2001, for circulation as a document of the Conference? Your assistance in this matter is greatly appreciated.

At the Paris meeting of small arms manufacturers, trade associations and representatives of Canada, France, Nigeria, the Russian Federation and the United States of America, with Ambassador Camillo Reyes (Colombia), President-designate of the Conference, manufacturers committed themselves to institute standards for the marking and tracing of small arms. Moreover, manufacturers made a commitment to support and assist further efforts against transfers of small arms that would be in violation of human rights, international treaty obligations, United Nations Security Council embargoes, international law or that would be used in genocide, illegal acts of aggression, criminal acts or for interference in the internal affairs of States.

These efforts, on the part of industry, to be taken as part of a voluntary, self-regulation effort, will, in greatly enhancing transparency and accountability in small arms production and transfer, help curtail the potential for leakage/diversion from licit trade to illicit traffic. In recognizing that "small arms must be brought back under the control of States, with States being made accountable for their transfer", as you stated in the Millennium report, industry stands ready to help facilitate partnership and cooperation among suppliers and recipients, States, non-governmental organizations, civil society and industry.

Such a positive dialogue, without confrontation, should be considered a contribution to resolving issues that will be considered by the Conference.

I share industry's view that "a meeting with you would be very beneficial to resolving major issues surrounding the July Conference". Consequently, I delight in forwarding industry's request to meet with you at your earliest convenience with my full endorsement. I am pleased to advise you that Ambassador Reyes looks favourably upon such a request.

I would like to thank you for your encouraging letter of 5 June. Your continuing support for the integrated advocacy and media campaigns of the Eminent Persons Group in support of the Conference remains essential to our joint efforts in striking the fine balance regarding the scope and substance of the Conference, which is essential for its success.

Thank you kindly for arranging for the Eminent Persons Group to convene at Headquarters from 9 to 20 July. We regret that your busy schedule will find you out

of New York and we would hope to be advised should a scheduling change enable you to meet with the Group as a whole.

(*Signed*) Michel **Rocard**

Annex II to the letter dated 16 July 2001 from the Permanent Representative of Mali addressed to the President of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Chairmen's report

Industry self-regulation and the effort to eradicate the illicit proliferation of small arms

[Original: English]

Summary

At a luncheon of small arms manufacturers, trade associations, national government officials and members of the international community, in Paris, on 26 June 2001, a consensus was reached that industry should actively pursue a voluntary self-regulation system. This would be industry's contribution to the eradication of the illicit proliferation of small arms outside of legitimate state regulatory control.

Manufacturers will institute, among themselves, standards for the marking and tracing of small arms. They support and will assist in further efforts against transfers of small arms that would be in violation of human rights, international treaty obligations, United Nations Security Council embargoes, international law or that would be used in genocide, illegal acts of aggression, criminal acts or for interference in the internal affairs of legitimate States.

These industry efforts should be considered a contribution to resolving issues that will be considered by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which is to be held in New York from 9 to 20 July.

Convening of the "luncheon"

The Paris meeting or "luncheon" of 26 June was convened under the auspices of the Eminent Persons Group, with Mr. Michel Rocard, former Prime Minister of France, and Mr. Alpha Oumar Konare, President of the Republic of Mali, as co-chairs. Former Prime Minister Rocard and C. Edward Rowe, Chairman of the Manufacturers Advisory Group, chaired the luncheon. Mr. Camillo Reyes (Colombia) attended the luncheon as a guest. Participants included representatives of major firearms/small arms companies, trade associations and members of the Eminent Persons Group. Representatives of national governments attended the meeting as observers.

Michel Rocard read a message received from President Alpha Oumar Konare welcoming and supporting the dialogue with industry sponsored by the Eminent Persons Group.

The purpose of the luncheon was to discuss a voluntary, industry-based regulation effort to help eradicate the illicit proliferation of small arms outside legitimate State regulatory control in response to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects to be held in July.

Participants decried the humanitarian impact on civilians in all parts of the developing world posed by excessive illicit proliferation of small arms. The luncheon explored concrete measures in the areas of small arms marking, record keeping and tracing; brokering and norms for transfer under international law.

Self-regulation and the firearms/small arms industry

The firearms/small arms industry has a history of self-regulation efforts. American companies have imposed their own regulations since 1926 when, at the request of the United States Congress, they instituted the Sporting Arms and Ammunition Manufacturers' Institute (SAAMI). European industry has the experience of working directly in the international arena through the 13-nation Permanent International Commission for Small Arms Testing or CIP, which, like SAAMI, establishes manufacturing and safety standards.

It is also noted that these matters involve the issues of sovereignty, the right to self-determination and citizen's rights under national constitutions. No actions should be taken to diminish any of these important concepts.

Firearms manufacturers and trade associations have recently established the firearms Manufacturers' Advisory Group to address regulation issues at the international level. The Manufacturers' Advisory Group is chaired by Mr. C. Edward Rowe of Sturm, Ruger and Company, United States of America. This organization held a series of workshops to address the issues of marking and international firearms regulation:

"Technical and Manufacturing Aspects of Firearms Marking in the Context of United Nations Regulation Efforts"
30 September-1 October 1999
Brescia, Italy

"Firearms Marking: Model Standards and Common Serial Number Codes"
22-24 June 2000
Grand Hotel Smeraldo Beach
Baia Sardinia (Olbia), Sardinia, Italy

In a letter to Mr. Rocard, dated 18 May, Mr. Rowe stated: "it is our view that a self-regulation effort could begin by being based upon recommendations on firearms marking, record keeping and tracing found in our report 'Firearms Marking Standards and Common Serial Number Codes'. Other matters upon which industry could have an effective impact could also be considered. Within this context, the Eminent Persons Group has submitted two particularly relevant memoranda dated 5 and 14 May". The memoranda call for industry to go beyond marking and examine general issues such as standards for transfers.

A system of self-regulation

There was agreement that manufacturers could institute a system of self-regulation in small arms, which would be made traceable through marking and an agreed-upon information exchange mechanism, which includes the following:

1. All small arms to be marked at time of manufacture. At a minimum, marking should be easily understandable and should include country of

manufacture, the manufacturer's name and a unique serial number. All marking should be done in a manner that is recoverable.

2. All manufacturers to establish control procedures to avoid duplicate (identical) marks on firearms.

3. All manufacturers to establish procedures whereby records of what markings were applied to what firearms are kept for at least 10 years as stipulated in the Firearms Protocol.

4. All manufacturers to establish procedures whereby any request for tracing information from an appropriate law enforcement agency is responded to as soon as possible, but no later than 72 hours within receipt of the request, with due consideration given to technical difficulties encountered by smaller manufacturers in ensuring timely submissions.

5. All manufacturers to conduct information exchange by (date) on their marking systems used in the manufacture and/or import of small arms.

6. All manufacturers to make available for public scrutiny information on the manufacture, the marking of weapons, transfers and procurement of small arms.

Other matters

The manufacturers also see the urgent necessity of examining issues beyond marking and tracing.

Manufacturers will examine international normative criteria for authorizing international transfers of small arms so that such transfers do not violate the existing obligations of States under international law. These could include:

1. Obligations arising under decisions of the United Nations Security Council.

2. Obligations arising under international treaties by which the Contracting Parties are bound.

3. Transfers of small arms the use of which is prohibited by international law because they are incapable of distinguishing between combatants and civilians or are capable of causing superfluous injury or unnecessary suffering.

4. Obligations arising under customary international law.

Manufacturers are opposed to international transfers of small arms in circumstances in which there is a strong likelihood that the arms could be used to commit or adversely affect:

1. Acts of aggression; unlawful interference in the internal affairs of a legitimate State.
2. Serious violations of human rights.
3. Violations of international law applicable to international or non-international armed conflict.
4. Acts of genocide or crimes against humanity.
5. The commission of violent crimes.

Conclusion

Participants welcome the initiative taken by the Eminent Persons Group in consultation with States, non-governmental organizations and industry and support continuation of the dialogue throughout the Conference and as part of the Conference follow-on.

Manufacturers views on a voluntary, industry self-regulation effort and other matters will be communicated to the Secretary-General of the United Nations and the United Nations Conference through the good offices of former French Prime Minister Michel Rocard.

Michel **Rocard**
Chairman,
Employment and Social Affairs Committee
European Parliament

C. Edward **Rowe**
Chairman,
Manufacturers Advisory Group